

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER S. JOHNSON,

Plaintiff,

v.

ELDON VAIL, et al.,

Defendants.

CASE NO. C05-748-MJP-JPD
C05-957-MJP-JPD

ORDER DENYING PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION

This matter comes before the Court on a Report and Recommendation (Dkt. No. 39) by the Honorable James P. Donohue, United States Magistrate Judge, on plaintiff's motion for preliminary injunction and a number of related motions. Plaintiff is an inmate in the Special Offender Unit of the Monroe Correctional Complex (MCC) and is proceeding pro se in these consolidated actions brought under 42 U.S.C. § 1983.

Having reviewed the Report and Recommendation, Plaintiff's objections, and the balance of the record and pleadings in this matter, the Court does hereby find and ORDER as follows:

(1) The Court ADOPTS the Report and Recommendation (Dkt. No. 39) by Magistrate Judge Donohue. The Court has considered Plaintiff's objections to the Report and Recommendation. However, Plaintiff has not demonstrated that he will suffer irreparable harm if a preliminary injunction does not issue, nor has he shown that he is likely to prevail on the merits of his claims. Plaintiff asserts that he faces a grave risk to his health due to the involuntary administration of anti-psychotic medications by prison officials. However, Plaintiff's allegations of irreparable harm are countered by the declaration of Dr. Thomas Greisamer, the chief psychiatrist at MCC. Although Plaintiff asserts in

ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION

1 his objections that Dr. Greisamer's declaration is frivolous and suggests that there is no proof that Dr.
2 Greisamer is a doctor, these objections are without merit. Furthermore, the Court cannot assign
3 significant weight to the hand-written declarations that Plaintiff has submitted from "John Henry Lee,
4 M.D., Ph.D." regarding Plaintiff's health and Dr. Greisamer's qualifications, given the serious
5 questions about the authenticity of these declarations. Finally, Plaintiff's allegation that he has lost
6 weight due to the administration of anti-psychotic drugs is not supported by the record. Therefore,
7 Plaintiff's motion for preliminary injunction (Dkt. No. 15) is DENIED.

8 (2) As Magistrate Judge Donohue noted, Plaintiff's related motions (Dkt. Nos. 30 & 37)
9 essentially ask for an expedited ruling on Plaintiff's motion for a preliminary injunction. As such, these
10 motions are DENIED as moot.

11 (3) Consistent with the Report and Recommendation, Defendants' motion for sanctions
12 (Dkt. No. 24) and Plaintiff's motion for judgment as a matter of law (Dkt. No. 29) will be addressed in
13 a separate report and recommendation. In addition, Plaintiff's motion to strike defendants' motion to
14 strike (Dkt. No. 34) will be construed as a supplement to his previous response to defendants' motion
15 for sanctions.

16 (4) The Clerk is directed to send a copy of this Order to Plaintiff, to counsel for
17 Defendants, and to Judge Donohue.

18 DATED this 18th day of October, 2005.

19
20 s/Marsha J. Pechman
21 MARSHA J. PECHMAN
22 United States District Judge
23
24
25
26